

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

§

§

§

v.

§

CRIMINAL ACTION NO. H-08-174

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GERARDO MEDINA-COMPEAN

§

ORDER OF DETENTION PENDING TRIAL

BOTLEY, Magistrate Judge:

The defendant, Gerardo Medina-Compean (“Medina”), is charged by indictment with illegal re-entry after deportation, in violation of 8 U.S.C. §§ 132g(a) and (b)(2).

On oral motion of the United States, the Court held a detention hearing pursuant to the Bail Reform Act, 18 U.S.C. § 3142(f), and finds from a preponderance of the uncontested proffer of evidence presented by the United States that Medina is a citizen and national of the United Mexican States and is illegally in the United States, without legal status to reside in or to be employed in the United States. He has been previously deported to the United Mexican States. Consequently, the United States Immigration and Customs Enforcement of the Department of Homeland Security has lodged a detainer with the United States Marshal since Medina has been ordered deported or removed from the United States.

For these reasons, the Court finds, pursuant to subsection (f)(2)(A), that Medina is a flight risk, and his detention pending trial is warranted. Accordingly, it is

ORDERED that Medina shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility, separate, to the extent practicable, from persons serving sentences, or being held in custody pending the outcome of an appeal. He shall be afforded reasonable opportunity for private consultation with counsel. On order of a court of the United States, the person in charge of the correctional facility in which he is confined shall deliver him to the United States Marshal for an appearance in a court proceeding.

The Clerk shall file this Order and direct copies to counsel for the United States and defendant, the United States Marshal, and the United States Pretrial Services Agency.

SIGNED at Houston, Texas, this the 16th day of April , 2008.



CALVIN BOTLEY
United States Magistrate Judge